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REMARKS

The Examiner has rejected claim 9 under 35 U.S.C. 112 as being indefinite. Claim 9 recites that layer-2 performance data is extracted from the incoming signal. Support for this limitation is found at the top of page 5 of the description, in which the PMM is said to be designed to monitor and process layer 2 overhead such as Ethernet overhead information.

The Examiner has rejected claims 5-7 under 35 U.S.C. 112 as being indefinite. Claims 5 to 7 have been amended to clarify that none of bits in the entire signal are modified, and that it is not just the bits within the data portion of the signal that are unchanged. It is in this way that the architecture of the invention is transparent, switching entire streams of signals across the switch without altering data bytes or header bytes.

The Examiner has rejected claims 1, 2, 8-12 ("5-12" is assumed to be a typographic error, since no reasons for rejection of claims 5-7 is provided), under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,272,154 issued to Bala. Claim 1 has been amended to indicate that the signal quality of the incoming signal is monitored using an ingress CDR to monitor data eye opening and using a Performance Monitoring Module to monitor layer 1 overhead of the incoming signal. In this way, both layer 1 and layer 0 quality can be monitored, as the ingress CDR measures the quality of the physical signal. Support for this limitation is found in the description at pages 4 and 5. This means of monitoring is not taught or suggested by Bala. Bala teaches only that a CDR circuitry monitors specific bytes in SONET overhead data, which is both layer 1 and protocol specific.

Claims 2 and 8-12 are dependent on amended claim 1. The Applicant respectfully submits that amended claim 1 and claims 2 and 8-12 are not anticipated by Bala.

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The Examiner has rejected claims 15 under 35 U.S.C 102(e) as being anticipated by Bala. Claim 15 has been amended to recite that the signal quality of signals across the active and backup fabrics is monitored using respective egress CDRs which monitor eye opening. This is a feature not taught by Bala, as Bala teaches only that the comparable CDRs 254 monitor specific SONET overhead bytes, and not layer-0 type signal quality. Support for this limitation is found from page 6 line 27 to page 7 line 6 of the description. The Applicant respectfully submits that amended claim 15 is not anticipated by Bala.

The Examiner has rejected claims 3, 4, and 16 under 35 U.S.C. 103(a) as being obvious having regard to Bala in view of U.S. Application 2002/0105696 by Halgren. Claims 3 and 4 are dependent on amended claim 1, which the Applicant has argued includes elements not taught by Bala, and which the Applicant further submits are not taught by Halgren. Claim 16 is dependent on amended claim 15, which the Applicant has argued includes elements not taught by Bala, and which the Applicant further submits are not taught by Halgren. The Applicant respectfully submits that claims 3, 4, and 16 are not obvious in view of Bala and Halgren.

The Examiner has rejected claim 17 under 35 U.S.C. 103(a) as being obvious having regard to Bala in view of Halgren. Claim 17 has been amended so as to introduce similar limitations to those introduced into claim 1 and discussed above. The Applicant respectfully submits that amended claim 17 is therefore not obvious in view of Bala and Halgren.

The Examiner has rejected claims 5-7 under 35 U.S.C. 103(a) as being obvious having regard to Bala. Claims 5-7 include the same limitations introduced into amended claim 1, which the Applicant has argued are not taught or suggested by Bala. The Applicant respectfully submits that claims 5-7 are therefore not obvious in view of Bala.

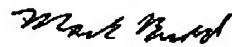
In addition, claim 17 has also been amended to provide antecedent for the signal being switched by the various means, to provide antecedent for a transparent switch fabric, and to clarify the phrase "layer 1 and layer 2".

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New claim 18, dependent on claim 11, has been added and includes the limitation introduced into claim 15, regarding monitoring of signal quality across fabrics using egress CDRs which monitor eye openings.

Favourable reconsideration is requested.

Respectfully submitted,



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